



U.S. Environmental Protection Agency

Region I New England
5 Post Office Square – Suite 100
Boston, MA 02109-3912

MAR 13 2014

**URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS
REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Alan Douglas
Environmental Health & Safety Manager
Essential Power Massachusetts, LLC
15 Agawam Ave.
West Springfield, MA 01089

Corporate Services Co.
84 State St.
Boston, MA 02109

Re: Request for Information, **Docket No. 14-308-10**
Discharge of Oil from facility located at 229 Gardner Falls Street, Buckland,
Massachusetts ("Facility"), on or around March 4, 2014 into Deerfield River

Dear Mr. Douglas:

The U.S. Environmental Protection Agency ("EPA") has received a report of the above-referenced oil discharge. To enable EPA to determine whether this discharge violated Section 311(b)(3) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, you are hereby required, under the authority of Sections 308 and 311(m) of the Act, 33 U.S.C. §§1318 and 1321(m), to answer the questions attached to this letter and to send your response, within 30 calendar days of your receipt of this letter, to:

Joseph Canzano
Spill Prevention Compliance Coordinator
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Please be advised that noncompliance with the Clean Water Act may subject you to both injunctive relief and penalties. EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, including the right to seek civil penalties, for any violations, including those described above.

Please be further advised that compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

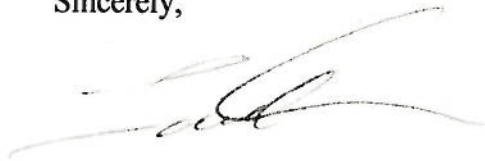
You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. EPA New England is routinely providing this information to businesses in the course of its enforcement activities, whether or not they are small businesses as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve Essential Power Massachusetts, LLC of its responsibility to comply with federal law and this information request.

Your response to this Request must be accompanied by the certificate that is signed and dated by the person who is authorized to respond to the Request on behalf of the company. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is Enclosed with this letter.

If you have any questions concerning your compliance with this letter, please contact Joseph Canzano, the Region I Spill Prevention Compliance Coordinator, directly at (617) 918-1763, or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at (617) 918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosure

cc: ✓ Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
Joseph Canzano, Spill Prevention Compliance Coordinator, EPA Region 1
Brent England, On-Scene Coordinator, EPA Region 1

Enclosure to Request for Information

Re: Discharge of Oil from 229 Gardner Falls Street, Buckland, Massachusetts ("Facility") on or around March 4, 2014, into the Deerfield River

1. Please provide a detailed description of the above-referenced discharge, including:
 - a. Provide the date and time the discharge occurred, the date and time the discharge was discovered, and the date and time the discharge was reported to the National Response Center and any other appropriate federal, state and/or local agencies (e.g., EPA, state environmental agency, fire department). Include the name and phone number of the agency personnel contacted.
 - b. If the spilled material entered one or more bodies of water, or their adjoining shorelines, provide the name of each body of water.
 - c. Provide the quantity of material spilled, and the quantity entering a water body or adjoining shoreline. If the spilled material was a mixture, provide the chemical name of each component in the mixture and its percentages by weight in the mixture. If the material spilled was petroleum, give the grade of oil.
 - d. Describe the pathway the spilled material traveled, starting from the original spill point (e.g., the tank in which the material was stored) to the most distant water body into which it flowed.
 - e. Provide the age of the tank or equipment from which the material spilled and the date and results of the last tank integrity test (if applicable) that was performed on the tank (e.g., pressure, shell thickness).
 - f. Describe the extent to which the discharge caused a film or sheen on the surface of the water or adjoining shoreline, and/or caused a sludge or emulsion to be deposited on the water body bottom or on adjoining shorelines.
 - g. Describe any environmental damage resulting from the spill, such as fish kills, dead waterfowl or animals, stained vegetation or soil, etc. Provide any documentation in your possession related to the environmental damage resulting from the spill.
 - h. Describe any damage to public or private property, such as road surfaces, bridge abutments, dams, beaches, boat hulls, wells, etc.
 - i. Provide a summary of events immediately preceding the spill event, including the probable cause of the spill.
 - j. Describe any actions taken to control and/or remove the spilled material from the environment or to mitigate its effects on the environment, including a summary of the costs of such actions. Please provide copies of all clean-up contractor invoices and manifests.
 - k. Describe any measures taken after the spill event to prevent a recurrence, including the costs of such measures.

1. Provide the names, titles, addresses and phone numbers of employees and officials you believe to have knowledge of the facts surrounding the spill event.
 - m. Provide copies of any investigative reports by state environmental agencies, state or local police, fire departments, insurance companies, etc.
2. Provide the name, address, phone number of the Facility's owner at the time of the spill.
3. Provide the name, address, phone number of the Facility's operator at the time of the spill, if different from the owner.
4. Provide the name, address, and phone number of any additional party that installed or provided maintenance to the tank or equipment from which the material spilled, and provide any documents relating to the permitting and licensing of the tank or equipment (if applicable) from which the material spilled.
5. Provide the date the Facility first began operation and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.
6. Provide a list of all the oil storage capacity at the Facility at the time of the spill, both underground and aboveground (including, tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, steel or fiberglass). Also indicate whether any secondary containment was provided around each container, and, if so, its method of construction and the total volume it can contain. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.
7. If applicable, the date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).
8. If a SPCC Plan was in effect at the time of the above mentioned spill, please submit a copy of the Plan, including written verification of the date such Plan was prepared, certified, and fully implemented.
9. If a SPCC Plan was prepared and implemented after the spill, a copy of such plan; or, if the SPCC Plan is being prepared but is not yet completed or fully implemented, a detailed schedule of when it will be completed and fully implemented. The schedule should include the name and address of the registered

professional engineer preparing and certifying the plan. If the plan calls for the construction of secondary containment at the Facility, the schedule should include construction milestone dates. Or alternately, if the Facility is believed to no longer require an SPCC Plan, the reason for such determination.

10. If the Facility is developing a SPCC Plan post-spill, please also include the following information:

- a. The cost of preparing the SPCC Plan;
- b. The cost of implementing the Plan (including the cost of constructing secondary containment at the Facility); and
- c. The ongoing annual costs of plan implementation (including training, inspections and record keeping).

11. Provide a history of spill events at the Facility within the last five years (from the date of the spill in question). Explain the circumstances of each spill, the quantity of oil or hazardous material spilled, whether the oil or hazardous material reached any bodies of water and, if so, the names of such water bodies, and the quantity of oil or hazardous material entering such water bodies.

12. Provide any additional information which you wish to bring to the attention of EPA.

Statement of Certification for Essential Power Massachusetts, LLC

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of Essential Power Massachusetts, LLC. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Print Name)

(Title)

(Date)